## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

Travelers Excess and Surplus
Lines Company,

Plaintiff,

Civil Action No. 09-1673 (SRC)(MAS)

Michaelson Enterprises, Inc., et al.,

**ORDER** 

Defendants.

THIS MATTER having come before the Court upon Plaintiff Travelers Excess and Surplus Lines Company's ("Plaintiff") request for an order permitting Plaintiff to effect service of the Amended Complaint upon Defendant Michaelson Enterprises, Inc. ("Defendant") via substituted service to Harleysville Insurance Company, which motion was filed on April 21, 2010 (Docket Entry No. 37); and Plaintiff's motion being unopposed; and this Court having considered the moving papers and finding that Plaintiff has undertaken diligent efforts in attempt to serve Defendant in accordance with the Federal Rules of Civil Procedure, as well as the New Jersey Court Rules; and this Court finding that Plaintiff's efforts to serve Defendant at the last known business addresses in New York have been unsuccessful; and this Court further finding that Plaintiff only became aware that Defendant had general liability coverage with Harleysville Insurance Company on April 7, 2010, by way of Defendant Atlantech Reps, Inc.'s late production of declarations to a policy regarding same, which liability coverage may be applicable to responding to Plaintiff's claim; and for other good cause shown,

IT IS on this 12th day of August, 2010,

## **ORDERED THAT:**

- 1. Plaintiff Travelers Excess and Surplus Lines Company's motion to effect service of the Amended Complaint upon Defendant Michaelson Enterprises, Inc. via substituted service to Harleysville Insurance Company is granted.
- 2. Plaintiff shall effect service of the Amended Complaint upon Defendant Michaelson Enterprises, Inc. by way of service upon Harleysville Insurance Company by **August 19**, **2010**. Plaintiff's substituted service shall be effected in compliance with any applicable requirements under the Federal Rules of Civil Procedure and New Jersey Court Rules, including Fed. R. Civ. P. 4 and N.J. Ct. R. 4:4-4(b)(3) and 1:5-2.

HONORABLE MICHAEL A. SHIPP United States Magistrate Judge